

REMARKS

By this amendment, claims 1 through 26, 38 and 39 are pending in this Application, in which claims 27 through 37 are withdrawn from consideration. Claims 1, 5, 8 through 10, 12, 13, 16, 18, 19, 38 and 39 have been amended. Claims 8, 16 and 38 have been amended to address perceived formalities. Claim 11 has been cancelled. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment is apparent throughout the originally filed disclosure and Amended specification. Applicants submit that the present Amendment does not generate any new matter issue.

Objection to the Drawings, Specification and Claims.

The Examiner stated that drawings fail to comply with 37 C.F.R. 1.85(p)(5) for including reference characters not mentioned in the description. In response, references to the missing reference characters have been added to the specification. Accordingly, withdrawal of the objection is solicited.

The Examiner objected to the specification and claims 8 and 38 because of informalities. In response, the objected to informalities in the specification and claims 8 and 38 have been corrected as kindly suggested by the Examiner. Accordingly, withdrawal of the objections is solicited.

Claims 1, 2, 5 through 8, 10 through 15, 18 through 20, 23 through 26, 38 and 39 were rejected under 35 U.S.C. §103(a) obviousness predicated upon Maissel et al. ("Maissel") in view of Thomas ("Thomas").

In the statement of the rejection, the Examiner admitted that Maissel does not disclose or suggest "detecting a presence of one or more users". However, the Examiner asserted that one

having ordinary skill in the art would have been led to modify Maissel by applying detecting a presence of one or more users, in view of Thomas. This rejection is traversed.

In response, independent claims 1, 38 and 39 have been amended to emphasize **selective controlling access or consumption of receivable content by each of the detected users according to the determined access rights**, in accordance with the claimed inventions. See, e.g., claim 11.

Claims 1, 38 and 39, as Amended, indicate that detected user communication devices may **each receive a different content filtered by the receiver terminal, according to the determined access rights for the receiver terminal** [0048], [0051], [0093]. For example, if profiles of three users A, B, and C show that user A is in under 7 years old age range, user B is a teenager and user C is an adult, each one of A, B, and C may receive filtered content based on their age range. However, neither Maissel nor Thomas discloses such filtering. In fact, the Thomas reference's notion of selective control refers to selection of one content (e.g. on a television or video display) for a group of audiences based on the combined access rights of the audiences, where the access rights of different present users are compared and access is allowed based on the comparison (col. 2 lines 5-15). In the above example, if users A, B, and C are present in the room, based on Thomas's disclosure all the three users have to watch the content that is suitable for user A which should naturally be the most limited of the three. In contrast, the claims recite **"selectively controlling access or consumption of receivable content by each of the detected users according to the determined access rights."** As such, each of the detected users may consume individualized content. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicants certainly do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir. 1988).

Specifically, as discussed, Thomas has no reference to selectively controlled access to content for multiple users. A step in the obviousness analysis is to “determine whether there was an apparent reason to combine the known elements in the fashion claimed.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). A rejection for obviousness must include “articulated reasoning with some rational underpinning to support the legal conclusion.” *Id.*, quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). No such articulated reasoning has been presented on this record. Certainly, the general disclosure of Thomas cannot be a sufficient basis upon which to predicate the conclusion that one having ordinary skill in the art would have realistically been led to zero in on Maissel and modify the disclosed method in some unidentified manner to arrive at the claimed invention. Moreover, as previously discussed, even the proposed modification would not result in the claimed invention. Accordingly, withdrawal of the rejection of independent claims 1, 38 and 39, claims 2, 5 through 8, 10, 12 through 20, 23 through 26 which depend on claim 1 and cancelled claim 11 is solicited.

Claim 3 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas, and further in view of Hawley et al. ("Hawley").

This rejection is traversed.

Specifically, claim 3 depends from claim 1. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of independent claim 1 under 35 U.S.C. §103(a) for obviousness as evidenced by Maissel in view of Thomas. The reference to Hawley does not cure the previously argued deficiencies of Maissel and Thomas. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicants certainly do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*.

Applicants, therefore, submit that the imposed rejection of claim 3 under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas and further in view of Hawley is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 4 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas, and further in view of Eaton et al. ("Eaton")

This rejection is traversed.

Specifically, claim 4 depends from claim 1. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of independent claim 1 under 35 U.S.C. §103(a) for obviousness as evidenced by Maissel in view of Thomas. The reference to Eaton does not cure the previously argued deficiencies of Maissel and Thomas. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicants certainly do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*.

Applicants, therefore, submit that the imposed rejection of claim 4 under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas and further in view of Eaton is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 9 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas, and further in view of Nickum ("Nickum").

This rejection is traversed.

Specifically, claim 9 depends from claim 1. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. §103(a) for obviousness as evidenced by Maissel in view of Thomas. The reference to Nickum does not cure

the previously argued deficiencies of Maissel and Thomas. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicants certainly do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*.

Applicants, therefore, submit that the imposed rejection of claim 9 under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas and further in view of Nickum is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 16 and 17 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas, and further in view of Kwoh et al. ("Kwoh").

This rejection is traversed.

Specifically, claims 16 and 17 depend from claim 1. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. §103(a) for obviousness as evidenced by Maissel in view of Thomas. The reference to Kwoh does not cure the previously argued deficiencies of Maissel and Thomas. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicants certainly do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*.

Applicants, therefore, submit that the imposed rejection of claims 16 and 17 under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas and further in view of Kwoh is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 21 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas, and further in view of Herweck et al. ("Herweck").

This rejection is traversed.

Specifically, claim 21 depends from claim 1. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. §103(a) for obviousness as evidenced by Maissel in view of Thomas. The reference to Herweck does not cure the previously argued deficiencies of Maissel and Thomas. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicants certainly do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp., supra.*

Applicants, therefore, submit that the imposed rejection of claim 21 under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas and further in view of Herweck is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 22 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas, and further in view of Chapman et al. ("Chapman").

This rejection is traversed.

Specifically, claim 22 depends from claim 1. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 21 under 35 U.S.C. §103(a) for obviousness as evidenced by Maissel in view of Thomas. The reference to Chapman does not cure the previously argued deficiencies of Maissel and Thomas. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicants certainly do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp., supra.*

Applicants, therefore, submit that the imposed rejection of claim 22 under 35 U.S.C. §103(a) for obviousness predicated upon Maissel in view of Thomas and further in view of Chapman is not factually or legally viable and, hence, solicit withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-822-7127 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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April 15, 2010

Date

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